

BILL NO. S-68-10-17

SPECIAL ORDINANCE NO. S-158-68

AN ORDINANCE approving a Sewer Agreement between NIEMEYER CORPORATION and CITY OF FORT WAYNE for construction of sanitary sewer for Trier Ridge Park, Section II.

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. The Sewer Agreement approved September 23, 1968, between NIEMEYER CORPORATION, as Developer, and the City of Fort Wayne, Indiana, by and through its Mayor and the Board of Public Works, for:

Construction of Sanitary Sewer as follows:

SANITARY SEWER LATERAL #1

An 8-inch sanitary sewer commencing at the North-east corner of Lot No. 111 running in a westerly direction along the South side of Montagne Drive to the Northwest corner of Lot No. 105 of Trier Ridge Park, Section II, Fort Wayne, Allen County, Indiana, said sewer being approximately 585 feet.

SANITARY SEWER LATERAL #3

an 8-inch sanitary sewer commencing at the North-east corner of Lot No. 97 and traveling in a South-westerly direction on the South side of Contessa Drive, for approximately 305 feet to the Northwest corner of Lot No. 95 and then continuing in a Westerly direction for approximately 244.47 feet to the Northwest corner of Lot No. 91 in Trier Ridge Park, Section II, Fort Wayne, Allen County, Indiana, and there terminating at a standard cleanout,

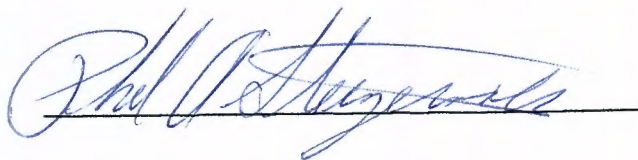
for a total cost to be paid by Developer, all as more particularly set forth in said Sewer Agreement which is on file in the office of the Board of Public Works and is by reference incorporated herein and made part hereof, is hereby in all things ratified, confirmed and approved.

SECTION 2. The Developer, for itself, its successors in title and assigns, waives and releases any and all rights which it may now or hereafter have to remonstrate against or otherwise

object to, interfere with or oppose any pending or future annexation by City of any territory now or hereafter owned by it, ~~xx~~ or hereafter served by said sewer or any extension thereof.

Any owner or owners of land which is now or hereafter located outside the corporate limits of City who connect into the sewer constructed hereunder shall be deemed to thereby waive his, her, their or its right to remonstrate against or otherwise object to, interfere with or oppose any pending or future annexation by City of such land or of the territory in which it is located or of the area served by said sewer.

SECTION 3. This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.



APPROVED AS TO FORM
AND LEGALITY



CITY ATTORNEY

Bill No. S-68-10-17

REPORT OF THE COMMITTEE ON CITY UTILITIES

We, your Committee on City Utilities to whom was referred an Ordinance
approving a Sewer Agreement between NIEMEYER CORPORATION and CITY OF FORT WAYNE
for construction of sanitary sewer for Trier Ridge Park, Section II,

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do PASS.

EDWIN J. ROUSSEAU, Chairman

PHIL A. STEIGERWALD, Vice-Chairman

JOHN NUCKOLS

THOMAS G. ADAMS

WILLIAM K. GEAKE

Edwin J. Rousseau
Phil A. Steigerwald
Thomas G. Adams
Wm K. Geake

CONCURRED IN
DATE 10-10-68 FUAD G. BONAHOOM, CITY CLERK

Read the first time in full and on motion by Steigerwald seconded by Nuckols and duly adopted, read the second time by title and referred to the (Committee on) City Utilities (and to the City Planning Commission for recommendation) (and Public Hearing to be held after due legal notice, at the Council Chambers, City Hall, Fort Wayne, Indiana, on the _____ day of _____ 196 _____, at _____ o'clock P.M., E.S.T.

Date: 10-8-68

Thad G. Bonachoon
City Clerk

Read the third time in full and on motion by Steigerwald seconded by Fay and duly adopted, placed on its passage.
Passed (~~LOST~~) by the following vote:

AYES	<u>7</u>	NAYS	<u>0</u>	ABSTAINED	<u> </u>	ABSENT	<u>2</u>	to-wit:
Adams	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Dunifon	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Fay	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Geake	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Nuckols	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Robinson	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Rousseau	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Steigerwald	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	
Tipton	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	

Date 10-22-68

Thad G. Bonachoon
City Clerk

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (Zoning Map)(General)(Annexation)(Special)(~~Appropriation~~) Ordinance (~~Resolution~~) No. 5158-62 on the 22nd day of October, 196 8.

ATTEST: (SEAL)

Thad G. Bonachoon
City Clerk

James H. Dunifon
Presiding Officer

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 23rd day of October, 196 8 at the hour of 10:00 o'clock A.M., E.S.T.

Thad G. Bonachoon
City Clerk

Approved and signed by me this 23rd day of October, 196 8 at the hour of 10:33 o'clock A.M., E.S.T.

Harold S. Zeis
Mayor